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Washington, Thursday, July 16, 1936

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

S. R. B. 4—Arkansas

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 4—ARKANSAS

County Average Rates of Soil-Conserving Payments in Connection with the General Soil-Depleting Base

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Southern Region Bulletin No. 1, Revised,¹ is hereby supplemented with respect to its application to the State of Arkansas, but not otherwise, as follows:

SECTION 1. *County Average Rates of Soil-Conserving Payments for Production of Soil-Conserving Crops on Acreage Diverted from the General Soil-Depleting Base.*—In accordance with the provisions of Section 2 (a), Part II, of Southern Region Bulletin No. 1, Revised, and subject to the provisions of said bulletin and all other bulletins heretofore or hereafter issued, the county average rates of payment per acre to be used in determining payments for each acre of the general soil-depleting base which in 1936 is used for the production of soil-conserving crops shall be as follows for the respective counties in the State of Arkansas:

County—Rate of payment per acre

Arkansas, \$6.60; Ashley, \$5.50; Baxter, \$5.90; Benton, \$7.20; Boone, \$6.80; Bradley, \$5.00; Calhoun, \$4.40; Carroll, \$7.30; Chicot, \$6.20; Clark, \$5.80; Clay, \$7.00; Cleburne, \$4.80; Cleveland, \$4.80; Columbia, \$4.70; Conway, \$5.30; Craighead, \$7.20; Crawford, \$6.10; Crittenden, \$7.60; Cross, \$6.80; Dallas, \$4.90; Desha, \$6.90; Drew, \$5.30; Faulkner, \$5.50; Franklin, \$5.00; Fulton, \$5.50; Garland, \$5.20; Grant, \$5.70; Greene, \$7.00; Hempstead, \$5.70; Hot Spring, \$5.50; Howard, \$5.50; Independence, \$6.80; Izard, \$5.00; Jackson, \$6.00; Jefferson, \$6.40; Johnson, \$5.40; Lafayette, \$5.40; Lawrence, \$6.60; Lee, \$6.40; Lincoln, \$5.80; Little River, \$5.10; Logan, \$5.30; Lonoke, \$6.30; Madison, \$7.10; Marion, \$6.30; Miller, \$5.70; Mississippi, \$9.50; Monroe, \$6.10; Montgomery, \$5.50; Nevada, \$5.10; Newton, \$7.10; Ouachita, \$4.30; Perry, \$5.50; Phillips, \$6.20; Pike, \$5.60; Poinsett, \$7.20; Polk, \$5.50; Pope, \$5.30; Prairie, \$6.00; Pulaski, \$6.60; Randolph, \$7.00; St. Francis, \$6.50; Saline, \$5.70; Scott, \$5.90; Searcy, \$6.10; Sebastian, \$6.40; Sevier, \$5.50; Sharp, \$5.60; Stone, \$5.70; Union, \$4.30; Van Buren, \$4.80; Washington, \$7.40; White, \$5.10; Woodruff, \$6.40; Yell, \$5.60.

SECTION 2. *Rates of Payment as Applied to Individual Farms.*—For any individual farm in the foregoing counties the rate of payment for each acre of the general soil-depleting base (not in excess of 15 percent of the general soil-depleting base for any farm) which in 1936 is used for the production of soil-conserving crops shall be that rate determined by multiplying the county average rate for the county in which the farm is located by the productivity index established for the farm in accordance with the provisions of Section 5, Part I, Southern Region Bulletin No. 3,² and dividing the result by 100.

In testimony whereof, W. R. Gregg, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City

of Washington, District of Columbia, this 10th day of July 1936.

[SEAL]

W. R. GREGG,
Acting Secretary of Agriculture.

[F. R. Doc. 1270—Filed, July 15, 1936; 10:53 a. m.]

S. R. B. 4—Georgia

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 4—GEORGIA

County Average Rates of Soil-Conserving Payments in Connection with the General Soil-Depleting Base

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Southern Region Bulletin No. 1, Revised,¹ is hereby supplemented with respect to its application to the State of Georgia, but not otherwise, as follows:

SECTION 1. *County Average Rates of Soil-Conserving Payments for Production of Soil-Conserving Crops on Acreage Diverted from the General Soil-Depleting Base.*—In accordance with the provisions of Section 2 (a), Part II, of Southern Region Bulletin No. 1, Revised, and subject to the provisions of said bulletin and all other bulletins heretofore or hereafter issued, the county average rates of payment per acre to be used in determining payments for each acre of the general soil-depleting base which in 1936 is used for the production of soil-conserving crops shall be as follows for the respective counties in the State of Georgia:

County—Rate of payment per acre

Appling, \$4.70; Atkinson, \$4.20; Bacon, \$4.50; Baker, \$3.60; Baldwin, \$4.00; Banks, \$4.70; Barrow, \$4.40; Bartow, \$5.30; Ben Hill, \$4.20; Berrien, \$4.50; Bibb, \$4.60; Bleckley, \$4.00; Brantley, \$4.90; Brooks, \$4.60; Bryan, \$4.60; Bulloch, \$4.40; Burke, \$4.40; Butts, \$4.50; Calhoun, \$4.10; Camden, \$5.60; Candler, \$4.30; Carroll, \$4.60; Catoosa, \$5.20; Charlton, \$4.60; Chatham, \$6.90; Chattahoochee, \$3.10; Chattooga, \$4.90; Cherokee, \$5.10; Clarke, \$5.20; Clay, \$3.90; Clayton, \$4.90; Clinch, \$4.30; Cobb, \$5.20; Coffee, \$4.50; Colquitt, \$5.00; Columbia, \$3.80; Cook, \$4.60; Coweta, \$4.90; Crawford, \$3.50; Crisp, \$4.30; Dade, \$5.90; Dawson, \$4.60; Decatur, \$3.90; De Kalb, \$4.30; Dodge, \$3.30; Dooly, \$4.50; Dougherty, \$4.10; Douglas, \$4.80; Early, \$3.80; Echols, \$3.70; Effingham, \$5.30; Elbert, \$4.60; Emanuel, \$3.80; Evans, \$4.70; Fannin, \$5.50; Fayette, \$4.70; Floyd, \$5.40; Forsyth, \$4.50; Franklin, \$5.20; Fulton, \$5.10; Gilmer, \$5.40; Glascock, \$3.30; Glynn, \$5.70; Gordon, \$5.20; Grady, \$4.50; Greene, \$3.80; Gwinnett, \$4.40; Habersham, \$5.20; Hall, \$4.60; Hancock, \$3.70; Haralson, \$4.70; Harris, \$4.40; Hart, \$5.20; Heard, \$4.20; Henry, \$4.30; Houston, \$4.20; Irwin, \$4.40; Jackson, \$5.00; Jasper, \$4.20; Jeff Davis, \$4.20; Jefferson, \$3.80; Jenkins, \$4.00; Johnson, \$3.40; Jones, \$3.90; Lamar, \$4.40; Lanier, \$4.50; Laurens, \$3.90; Lee, \$4.10; Liberty, \$4.70; Lincoln, \$4.40; Long, \$4.60; Lowndes, \$4.60; Lumpkin, \$4.50; McDuffie, \$4.20; McIntosh, \$4.80; Macon, \$4.20; Madison, \$4.90; Marion, \$3.60; Meriwether, \$4.50; Miller, \$3.70; Mitchell, \$4.10; Monroe, \$4.10; Montgomery, \$4.00; Morgan, \$4.20; Murray, \$5.80; Muscogee, \$4.30; Newton, \$4.70; Oconee, \$4.20; Oglethorpe, \$4.30; Paulding, \$4.80; Peach, \$5.40; Pickens, \$4.80; Pierce, \$5.30; Pike, \$4.70; Polk, \$5.00; Pulaski, \$3.80; Putnam, \$3.60; Quitman, \$3.60; Rabun, \$6.40; Randolph, \$4.20; Richmond, \$4.60; Rockdale, \$4.30; Schley, \$3.90; Screven,

¹ 1 F. R. 281.

² 1 F. R. 424.

¹ 1 F. R. 281.



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SECTION 2. *Rates of Payment as Applied to Individual Farms.*—For any individual farm in the foregoing counties the rate of payment for each acre of the general soil-depleting base (not in excess of 15 percent of the general soil-depleting base for any farm) which in 1936 is used for the production of soil-conserving crops shall be that rate determined by multiplying the county average rate for the county in which the farm is located by the productivity index established for the farm in accordance with the provisions of Section 5, Part I, Southern Region Bulletin No. 3,¹ and dividing the result by 100.

In testimony whereof, W. R. Gregg, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 10th day of July 1936.

[SEAL]

W. R. GREGG,
Acting Secretary of Agriculture.

[F. R. Doc. 1271—Filed, July 15, 1936; 10:53 a. m.]

S. R.—B—4—Mississippi

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 4—MISSISSIPPI

County Average Rates of Soil-Conserving Payments in connection With the General Soil-Depleting Base

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Southern Region Bulletin No. 1, Revised,² is hereby supplemented with respect to its application to the State of Mississippi, but not otherwise, as follows:

SECTION 1. *County Average Rates of Soil-Conserving Payments for Production of Soil-Conserving Crops on Acreage Diverted from the General Soil-Depleting Base.*—In accordance with the provisions of Section 2 (a), part II, of Southern Region Bulletin No. 1, Revised, and subject to the provisions of said bulletin and all other bulletins heretofore or hereafter issued, the county average rates of payment per acre to be used in determining the payment for each acre of the general soil-depleting base which in 1936 is used for the production of soil-conserving crops shall be as follows for the respective counties in the State of Mississippi:

County—Rate of payment per acre

Adams, \$5.80; Alcorn, \$7.20; Amite, \$5.10; Attala, \$5.50; Benton, \$5.40; Bolivar, \$7.00; Calhoun, \$5.80; Carroll, \$5.20; Chickasaw, \$5.50; Choctaw, \$5.70; Claiborne, \$5.40; Clarke, \$5.50; Clay, \$5.10; Coahoma, \$7.30; Copiah, \$5.30; Covington, \$5.80; De Soto, \$6.20; Forrest, \$5.60; Franklin, \$5.00; George, \$6.10; Greene, \$6.20; Grenada, \$6.00; Hancock, \$6.80; Harrison, \$6.90; Hinds, \$5.40; Holmes, \$5.40; Humphreys, \$6.80; Issaquena, \$6.40; Itawamba, \$5.80; Jackson, \$6.80; Jasper, \$5.60; Jefferson, \$5.50; Jefferson Davis, \$5.20; Jones, \$6.00; Kemper, \$5.00; Lafayette, \$5.50; Lamar, \$6.00; Lauderdale, \$5.70; Lawrence, \$5.20; Leake, \$5.50; Lee, \$7.00; Leflore, \$6.90; Lincoln, \$5.50; Lowndes, \$5.60; Madison, \$5.50; Marion, \$5.50; Marshall, \$5.60; Monroe, \$5.30; Montgomery, \$5.80; Neshoba, \$5.60; Newton, \$5.60; Noxubee, \$5.80; Oktibeha, \$5.60; Panola, \$5.30; Pearl River, \$6.40; Perry, \$5.60; Pike, \$5.20; Pontotoc, \$6.10; Prentiss, \$7.00; Quitman, \$6.60; Rankin, \$5.50; Scott, \$5.50; Sharkey, \$6.70; Simpson, \$5.30; Smith, \$5.90; Stone, \$6.10; Sunflower, \$6.80; Tallahatchie, \$6.20; Tate, \$5.10; Tippah, \$6.20; Tishomingo, \$5.80; Tunica, \$6.60; Union, \$6.00; Walthall, \$5.50; Warren, \$5.30; Washington, \$6.80; Wayne, \$5.50; Webster, \$5.90; Wilkinson, \$5.00; Winston, \$5.10; Yalobusha, \$5.80; Yazoo, \$5.80.

SECTION 2. *Rates of Payment as Applied to Individual Farms.*—For any individual farm in the foregoing counties the rate of payment for each acre of the general soil-depleting base (not in excess of 15 percent of the general soil-depleting base for any farm) which in 1936 is used for the production of soil-conserving crops shall be that rate determined by multiplying the county average rate for the county in which the farm is located by the productivity index established for the farm in accordance with the provisions of Section 5, part I, Southern Region Bulletin No. 3,¹ and dividing the result by 100.

In testimony whereof, W. R. Gregg, Acting Secretary of Agriculture, has hereunto set his hand and caused the official

¹ 1 F. R. 424.

² 1 F. R. 281.

seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 10th day of July 1936.

[SEAL]

W. R. GREGG,
Acting Secretary of Agriculture.

[F. R. Doc. 1272—Filed, July 15, 1936; 10:53 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Fisheries.

[No. 251-22-4]

ALASKA FISHERY REGULATIONS

JULY 11, 1936.

By virtue of the authority contained in the act of June 26, 1906 (34 Stat. 478, 480), as amended by the act of June 6, 1924 (43 Stat. 464), as amended by the act of June 18, 1926 (44 Stat. 752), as amended by the act of April 16, 1934 (48 Stat. 594), the regulations for the protection of the fisheries of Alaska published in Department of Commerce Circular No. 251, twenty-second edition, issued under date of February 8, 1936, are hereby amended by the following regulation.

BRISTOL BAY AREA

Salmon fishery.—In addition to existing prohibitions, commercial fishing for salmon in the Nushagak district, which embraces the waters of Nushagak Bay within a line from Point Protection to Etolin Point, is prohibited from 6 o'clock postmeridian Tuesday to 6 o'clock antemeridian Wednesday of each week.

DANIEL C. ROPER,
Secretary of Commerce.

[F. R. Doc. 1286—Filed, July 15, 1936; 11:02 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 10th day of July A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2557]

IN THE MATTER OF THAYER PHARMACAL COMPANY, A CORPORATION, AND THAYER SALES CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, that the taking of testimony in this proceeding begin on Wednesday, July 22, 1936, at nine o'clock in the forenoon of that day, central standard time, in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 1265—Filed, July 15, 1936; 9:29 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of July A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2608]

IN THE MATTER OF HEC BARTH, DOING BUSINESS UNDER THE TRADE NAMES OF HEC BARTH LABORATORIES AND DARK EYES LABORATORIES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, that the taking of testimony in this proceeding begin on Friday, July 17, 1936, at nine o'clock in the forenoon of that day, central standard time, at Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 1266—Filed, July 15, 1936; 9:29 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of July A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2725]

IN THE MATTER OF JOHN J. McCLOSKEY, AN INDIVIDUAL TRADING AS H. B. KIMBALL COMPANY, H. B. KIMBALL, AND KIMBALL LABORATORIES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, that the taking of testimony in this proceeding begin on Wednesday, July 15, 1936, at ten o'clock in the forenoon of that day, central standard time, at Room 372, Federal Building, Milwaukee, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 1267—Filed, July 15, 1936; 9:30 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of July A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2726]

**IN THE MATTER OF FOOD DISPLAY MACHINE CORPORATION
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41):

It is ordered, that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, that the taking of testimony in this proceeding begin on Monday, July 20, 1936, at nine o'clock in the forenoon of that day, central standard time, at Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 1268—Filed, July 15, 1936; 9:30 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of July A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2773]

**IN THE MATTER OF STANDARD WALL COVERING COMPANY, INC.
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41):

It is ordered, that Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, that the taking of testimony in this proceeding begin on Tuesday, July 21, 1936, at ten o'clock in the forenoon of that day, eastern standard time in Room 313, Post Office Building, 9th Street Annex, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 1269—Filed, July 15, 1936; 9:30 a. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 7th day of July A. D. 1936.

[Docket No. BMC 74001]

**APPLICATION OF JOHN BOTTS FOR AUTHORITY TO OPERATE AS A
COMMON CARRIER**

In the Matter of the Application of John Botts, Individual, Doing Business as B. & M. Storage Company and/or B. & M. Transfer, of 438 Jefferson, S. E., Grand Rapids, Mich., for a Certificate of Public Convenience and Necessity (Form BMC 8), to Extend Its Present Operation Filed on Form BMC 1, Authorizing Operation as a Common Carrier by Motor Vehicle, in the Transportation of Groceries, Eggs, Soap, and Soap Materials in Interstate Commerce From the Vicinities of Grand Rapids, Mich., New York, N. Y., and Boston, Mass., to Points in Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and District of Columbia, Over Irregular Routes

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner D. C. Dillon for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner D. C. Dillon, on the 3rd day of August A. D. 1936, at 9 o'clock a. m. (standard time), at the U. S. Court Rooms, Grand Rapids, Mich.

And it is further ordered, That notice of this proceeding be duly given.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 1287—Filed, July 15, 1936; 12:11 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 7th day of July A. D. 1936.

[Docket No. BMC 74001]

**APPLICATION OF JOHN BOTTS FOR AUTHORITY TO OPERATE AS A
COMMON CARRIER**

In the Matter of the Application of John Botts, Individual, Doing Business as B. & M. Storage Company, and/or B. & M. Transfer, of 438 Jefferson, S. E., Grand Rapids, Mich., for a Certificate of Public Convenience and Necessity (Form BMC 1), Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of General Commodities, with Exceptions, in Interstate Commerce from the Vicinities of Grand Rapids, Mich., and Detroit, Mich., to Points in the States of Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and District of Columbia, Over Irregular Routes

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner D. C. Dillon for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner D. C. Dillon, on the 3rd day of August A. D. 1936, at 9 o'clock a. m. (standard time), at the U. S. Court Rooms, Grand Rapids, Mich.

And it is further ordered, That notice of this proceeding be duly given.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1288—Filed, July 15, 1936; 12:11 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 7th day of July A. D. 1936.

[Docket No. BMC 50656]

APPLICATION OF RITZ ARROW LINES, INC., FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of Ritz Arrow Lines, Inc., of 15895 Prairie Avenue, Detroit, Mich., for a Certificate of Public Convenience and Necessity (Form BMC 9, New Operation), Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Persons in Interstate Commerce Over the Following Routes

Route No. 1.—Between Detroit, Mich., and Cincinnati, Ohio, via Toledo, Lima, and Dayton, Ohio, over U. S. Highway 25.

Route No. 2.—Between Detroit, Mich., and New York, N. Y., via Toledo, Perrysburg, and Columbus, Ohio, over U. S. Highways 25, 68, 23; thence Coatesville, Pa., via Washington, Pittsburgh, Chambersburg, and Lancaster, Pa., over U. S. Highways 40, 19, 30; thence New York, N. Y., via Flemington, Elizabeth, and Jersey City, N. J., over U. S. Highways 202, 1, and N. J. Highways 29, 28.

Route No. 3.—Between Detroit, Mich., and Washington, D. C., via Toledo, Lorain, Cleveland, and Salem, Ohio, over U. S. Highways 25, 20, 6, and Ohio Highway 14; thence Washington, D. C., via Pittsburgh, Greensburg, Chambersburg, and Gettysburg, Pa., Frederick and Baltimore, Md., over U. S. Highways 30, 15, 40, 1.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner D. C. Dillon for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor:

It is further ordered, That this matter be set down for hearing before Examiner D. C. Dillon, on the 30th day of July A. D. 1936, at 9 o'clock a. m. (standard time), at the Fort Shelby Hotel, Detroit, Mich.

And it is further ordered, That notice of this proceeding be duly given.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1289—Filed, July 15, 1936; 12:12 p. m.]

[Fourth Section Application No. 16421]

BINDER TWINE FROM NEW ORLEANS, LA., TO MINNESOTA

JULY 15, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: L. D. Chaffee and L. E. Kipp, Agents.
Commodity involved: Binder twine, in carloads.
From: New Orleans, La.
To: Minneapolis, Minnesota Transfer, and St. Paul, Minn., over barge and rail routes.
Grounds for relief: Market and water competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice;

otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1290—Filed, July 15, 1936; 12:12 p. m.]

[Fourth Section Application No. 16422]

POTATOES TO THE SOUTH

JULY 15, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: L. E. Kipp, Agent.
Commodity involved: Potatoes (except sweetpotatoes), carloads.
From: Points in Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Utah, and Wyoming.
To: Points in southern territory.
Grounds for relief: Carrier competition and to maintain grouping.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1291—Filed, July 15, 1936; 12:12 p. m.]

[Fourth Section Application No. 16423]

VEGETABLES FROM TEXAS

JULY 15, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: F. A. Leland, Agent.
Commodities involved: Fresh or green vegetables, including potatoes.
From: Texas.
To: Western, southern and official territories.
Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1292—Filed, July 15, 1936; 12:13 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933

[Release No. 894]

SECURITIES EXCHANGE ACT OF 1934

[Release No. 773]

The Securities and Exchange Commission, deeming it necessary for the execution of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 15 (d) and 23 (a) thereof, hereby adopts the following rule, to be inserted in Article 3

of Regulation C of the "General Rules and Regulations under the Securities Act of 1933", under a new caption as follows:

K. UNDERTAKING TO FURNISH SUPPLEMENTARY AND PERIODIC INFORMATION, DOCUMENTS, AND REPORTS

RULE 730. Undertaking to Furnish Supplementary and Periodic Information, Documents, and Reports.

The undertaking required by Section 15 (d) of the Securities Exchange Act of 1934 to be contained in all registration statements to which said subsection applies may be in the following form:

"Pursuant to Section 15 (d) of the Securities Exchange Act of 1934, the undersigned registrant hereby undertakes to file with the Securities and Exchange Commission such supplementary and periodic information, documents, and reports as may be prescribed by any rule or regulation of the Commission heretofore or hereafter duly adopted pursuant to authority conferred in said Section 15 (d); provided, however, that this undertaking shall become operative only upon the conditions specified in said Section 15 (d), and provided, further, that the duty to file pursuant to this undertaking shall be automatically suspended upon the conditions and for the period specified in clauses (1), (2), and (3) of said Section 15 (d)."

Such undertaking shall be inserted immediately preceding the signature of the registrant.

The foregoing rule shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1258—Filed, July 14, 1936; 1:14 p. m.]

SECURITIES EXCHANGE ACT OF 1934

[Release No. 770]

AMENDMENT NO. 15 TO THE INSTRUCTION BOOK FOR FORM 10

The Securities and Exchange Commission, finding that compliance with the following requirements will provide information necessary and appropriate in the public interest and for the protection of investors with respect to the class of issuers and securities to which they are applicable, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a) thereof, hereby adopts the following amendment to the Instruction Book for Form 10:

The instructions to Item 36, "Financial Statements", are amended by deleting from the proviso of the fifth full paragraph thereof the word and figures "July 1, 1936", and inserting in lieu thereof the word and figures "January 1, 1937", so that the paragraph as amended reads as follows:

If the registrant does not have any security temporarily registered on form 2 or 3, or any security registered on form 7 which has previously been registered on form 2 or 3, the financial statements required above shall be as follows:

1. The balance sheets required shall be as of the close of the registrant's (or, in the case of an unconsolidated subsidiary, of such subsidiary's) most recent fiscal year, unless such fiscal year has expired within 90 days prior to the date of filing of the application with the exchange, in which case, at the option of the registrant, they may be as of the close of the preceding fiscal year; and

2. The profit and loss statements required and all schedules (except schedule I-A, which shall be furnished only as of the date of the respective balance sheets), year by year, shall be those for the fiscal years as of the close of which the respective balance sheets are furnished, and for the 2 preceding fiscal years, or, if the registrant (or unconsolidated subsidiary) has been in business less than 3 years, then for such period as it has been in business up to the date of its respective balance sheet;

Provided, however, That, until January 1, 1937, a registrant which does not have any security temporarily registered on form 2 or 3, or any security registered on form 7 which has previously been registered on form 2 or 3, need file only the financial statements required of a registrant which has any security so registered as indicated above if it shows, by application made to the Commission:

- (1) That at least one class of its securities not senior to that for which registration is sought has been generally dealt in on any exchange or over-the-counter market for the past 2 years; and
- (2) That it has been in business for at least 5 years and has made freely available to its security holders, for a period of at least 5 years, reasonably informative financial statements.

The foregoing amendment shall become effective upon the publication thereof.

By the Commission,

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1257—Filed, July 14, 1936; 1:14 p. m.]

United States of America—Before the Securities and Exchange Commission

SECURITIES EXCHANGE ACT OF 1934

[Release No. 769]

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of July 1936.

IN THE MATTER OF DOUGLAS AIRCRAFT CO., INC., CAPITAL STOCK, NO PAR VALUE

ORDER GRANTING CONTINUANCE OF UNLISTED TRADING PRIVILEGES

The Philadelphia Stock Exchange having made application for continuance of unlisted trading privileges under Rules JF1 and AT3 (4) in Douglas Aircraft Co., Inc., Capital Stock, No Par Value; and

It appearing to the Commission that such security was admitted to unlisted trading privileges on such exchange prior to March 1, 1934, within the meaning of such Rule AT3 (4), it is

Ordered, that such application for continuance of unlisted trading privileges in the above security on the Philadelphia Stock Exchange is hereby granted, effective upon issuance of additional shares of such Capital Stock.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1259—Filed, July 14, 1936; 1:14 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July A. D. 1936.

[File No. 37-1]

IN THE MATTER OF PENN-WESTERN SERVICE CORPORATION

[Application for Approval of Mutual Service Company Pursuant to Rule 13-22]

ORDER APPROVING APPLICANT AS A MUTUAL SERVICE COMPANY

Penn-Western Service Corporation, a corporation organized under the laws of the State of New York and whose stock is held by subsidiaries of Penn Western Gas & Electric Company, a registered holding company, having filed with this Commission, pursuant to and in accordance with Rule 13-22, an application for approval as a mutual service company; a hearing on said application having been duly held pursuant to due and timely notice; said application having been amended; the record in this matter having been duly considered; and, the Commission having filed its findings herein:

It is ordered, that applicant, Penn-Western Service Corporation, be and it is hereby approved as a mutual service company.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1263—Filed, July 14, 1936; 1:15 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July A. D. 1936.

[Filed on July 6, 1936]

*IN THE MATTER OF BILGRAD OIL COMPANY, OFFERING SHEETS OF
OVERRIDING ROYALTY INTERESTS IN MATTIE FORNEY LEASE*

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A))
AND ORDER DESIGNATING A TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet filed by Bilgrad Oil Company on the 6th day of July 1936, covering certain overriding royalty interests in the property described therein as Mattie Forney Lease is incomplete or inaccurate in the following material respects, to wit:

1. In that only three copies of the said offering sheet were filed with the Commission.
2. In that from the corporate signature to Division II the corporate seal and the attesting signature thereto are omitted.
3. In that from the report of Byron B. Morris furnished, as Exhibit "A", in lieu of answers to Items 7, 8, and 9 of Division II, the information as to the depth of possibly productive horizons is omitted as to the Santa Margarita and Temblor formations.
4. In that from the said report of Byron B. Norris the information required under Item 8 of Division II as to possibly productive horizons as shown by the New Hampshire and the West State wells, offsetting the tract in question to the north and east, respectively, is omitted.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and the same hereby is, suspended until the 10th day of August 1936; that an opportunity for hearing be given to the said Bilgrad Oil Company for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension should be revoked or continued; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission be, and he hereby is, designated as Trial Examiner to preside at such hearing, to adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding begin on the 27th day of July 1936, at 10:00 o'clock in the forenoon of that day at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said officer may designate.

Upon the completion of testimony in this matter the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1264—Filed, July 14, 1936; 1:16 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July A. D. 1936.

[Filed on July 6, 1936]

*IN THE MATTER OF STUART L. VANCE, DOING BUSINESS AS STUART
L. VANCE & COMPANY, OFFERING SHEETS OF ROYALTY INTERESTS
IN MID CONTINENT YOUNG FARM*

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A))
AND ORDER DESIGNATING A TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet filed by Stuart L. Vance, doing business as Stuart L. Vance & Company, on the 6th day of July 1936, covering certain royalty interests in the property described therein as Mid Continent Young Farm is incomplete or inaccurate in the following material respects, to wit:

In that from the calculation of recoverable oil as set forth under Item 3 of Division III, consideration of the shrinkage occasioned by the liberation of gas in solution and by reduction from reservoir temperature to atmospheric temperature is omitted.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and the same hereby is, suspended until the 10th day of August 1936; that an opportunity for hearing be given to the said Stuart L. Vance for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension should be revoked or continued; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission be, and he hereby is, designated as Trial Examiner to preside at such hearing, to adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding begin on the 27th day of July 1936, at 2:00 o'clock in the afternoon of that day at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said officer may designate.

Upon the completion of testimony in this matter the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1261—Filed, July 14, 1936; 1:15 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July A. D. 1936.

[Filed on July 7, 1936]

*IN THE MATTER OF JOHN P. BOOTH, OFFERING SHEETS OF
ROYALTY INTERESTS IN DERBY SEEDLE LEASE*

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A))
AND ORDER DESIGNATING A TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet filed by John P. Booth on the 7th day of July 1936 covering certain royalty interests in the property described therein as Derby Seedle Lease is incomplete or inaccurate in the following material respects, to wit:

1. In that the date required to be set forth in Division I is omitted.

2. In that the text of various items of Division II is omitted.

3. In that the text and information required by Items 6 and 9 (b) of Division II are omitted.

4. In that under Item 12 (a) of Division II it is not set forth that the amount of the proration assessment, excise tax, and sanitation assessment will be proportionately deducted by the oil purchaser from payments made to the holders of the interests.

5. In that under Item 13 of Division II the location of the tract in relation to the field is not set forth.

6. In that from the plat furnished as Exhibit A, the scale to which it is drawn is omitted.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and the same hereby is, suspended until the 12th day of August 1936; that an opportunity for hearing be given to the said John P. Booth for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension should be revoked or continued; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission be, and he hereby is, designated as Trial Examiner to preside at such hearing, to adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding begin on the 27th day of July 1936, at 1:00 o'clock in the afternoon of that day at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said officer may designate.

Upon the completion of testimony in this matter the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1294—Filed, July 15, 1936; 12:36 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July A. D. 1936.

[Filed on July 7, 1936]

IN THE MATTER OF W. E. COOK, OFFERING SHEETS OF ROYALTY INTERESTS IN PHILLIPS-STILES PARK COMMUNITY LEASE

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING A TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet filed by W. E. Cook on the 7th day of July 1936, covering certain royalty interests in the property described therein as Phillips-Stiles Park Community Lease is incomplete or inaccurate in the following material respects, to wit:

1. In that under Item 3 of Division III an actual oil-bearing thickness of 175 feet is used in combination with porosity and saturation factors of 30% and 90%, respectively.

2. In that under Item 3 of Division III a recovery factor of 50% is used.

3. In that under Item 3 of Division III the estimation of recoverable oil includes 1,724,347 barrels of migratory oil and omits consideration of loss of oil due to migration.

4. In that under Item 3 of Division III consideration of the volumetric shrinkage due to liberation of gas in solution and to reduction of pressure and temperature from reservoir to atmospheric is omitted.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and the same hereby is, suspended until the 12th day of August 1936; that an opportunity for hearing be given to the said W. E. Cook for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension should be revoked or continued; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission be, and he hereby is, designated as Trial Examiner to preside at such hearing, to adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding begin on the 28th day of July 1936, at 2:00 o'clock in the afternoon of that day at the office of The Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said officer may designate.

Upon the completion of testimony in this matter the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1296—Filed, July 15, 1936; 12:37 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of July A. D. 1936.

[Filed on July 7, 1936]

IN THE MATTER OF E. FRIEDMAN, DOING BUSINESS AS THE ROLES COMPANY, OFFERING SHEETS OF ROYALTY INTERESTS IN MOORE-MCKOY LEASE

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING A TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet filed by E. Friedman, doing business as The Roles Company, on the 7th day of July 1936, covering certain royalty interests in the property described therein as Moore-McKoy Lease, is incomplete or inaccurate in the following material respects, to wit:

1. In that under Item 3 of Division III factors of porosity and saturation are employed the use of which is predicated upon a statement of a belief which is contrary to known facts.

2. In that under Item 3 of Division III a recovery factor of 50% is used in connection with a porosity factor of 12%.

3. In that under Item 3 of Division III 275 feet of oil bearing formation is used in connection with a porosity factor of 12% and a saturation factor of 100%.

4. In that under Item 3 of Division III consideration of the volumetric shrinkage due to liberation of gas in solution and to reduction of pressure and temperature from reservoir to atmospheric is omitted.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and the same hereby is, suspended until the 12th day of August, 1936; that an opportunity for hearing be given to the said E. Friedman for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension should be revoked or continued; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission be, and he hereby is, designated as Trial Examiner to preside at such hearing, to adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such offering sheet as may be filed prior to the conclusion of the hearing, and require the productions of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding begin on the 28th day of July 1936 at 4:00 o'clock in the afternoon of that day at the office of The Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said officer may designate.

Upon the completion of testimony in this matter the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[P. R. Doc. 1295—Filed, July 15, 1936; 12:36 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July A. D. 1936.

[File No. 37-5]

IN THE MATTER OF NEPSCO SERVICES, INC.

NOTICE OF OPPORTUNITY FOR HEARING AND ORDER AUTHORIZING HEARING

A declaration having been duly filed with this Commission, by Nepsco Services, Inc., pursuant to Section 13 (b) of the Public Utility Holding Company Act of 1935, and Rule 13-22 thereunder, with respect to the organization and conduct of its business as a subsidiary service company of the New England Public Service Company holding company system.

It is ordered, that the matter be set down for hearing before this Commission on July 24, 1936, at 10:00 o'clock in the forenoon of that day, at Room 1014, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

Notice of opportunity for hearing in this matter is hereby given to any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person who may desire to be admitted as a party in this proceeding or to offer evidence in this matter.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[P. R. Doc. 1282—Filed, July 14, 1936; 1:15 p. m.]

No. 89—2

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its Office in the City of Washington, D. C., on the 14th day of July 1936.

[File No. 32-22]

IN THE MATTER OF THE DECLARATION OF SIOUX CITY GAS AND ELECTRIC COMPANY

[Pursuant to Section 7 of the Public Utility Holding Company Act of 1935]

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE

Sioux City Gas and Electric Company, a corporation organized under the laws of the State of Iowa, and a subsidiary of a registered holding company, having filed with the Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, a declaration regarding the issuance and sale of the following securities:

(1) \$9,000,000 of its First Mortgage Bonds 4% Series, due 1966, and

(2) \$1,500,000 of its Debentures, Series A (maturing serially from July 1, 1937, to July 1, 1946; Debentures maturing July 1, 1937, to July 1, 1941, bear interest at 3% per annum; Debentures maturing thereafter bear interest at the rate of 5% per annum);

a hearing on said declaration having been duly held pursuant to due and timely notice¹; said declaration having been amended; the record in this matter having been duly considered; and the Commission having filed its findings and opinion herein;

It is ordered, that said declaration, as amended, be and become effective on July 14, 1936, on condition that said declaration shall not be deemed to be effective with respect to the issuance of such securities if the terms and conditions of such securities and the indentures and other documents securing the same or executed in connection with the same or the terms and conditions under which such securities are issued and sold by the Declarant shall fail in any respect to be in substantial compliance with the terms and conditions of said amended declaration and without limiting the generality of the foregoing, on the further condition that said declaration shall not be deemed to be effective with respect to the issuance of such securities,

(1) Unless declarant shall covenant in the bond indenture that during each calendar year, commencing with the calendar year 1936 (the last six months of 1936 to be considered a calendar year for this purpose), so long as any bonds shall be outstanding under the Indenture, it will expend an amount equal to fifteen per cent of the gross operating revenues derived during such calendar year from the operation of the mortgaged property (or, during any calendar year up to and including the calendar year 1941, an amount equal to two and one-half per cent of the average book value during such year of the fixed tangible mortgaged property of the company, whichever amount shall be less) (a) for maintenance of the mortgaged property, or (b) for property additions which might be made the basis for the issuance of bonds under the indenture, but which have not theretofore been made the basis for the issuance of bonds, the withdrawal of cash, or the release of property, or (c) for the redemption or purchase and the cancellation of bonds issued under the Indenture; and that if in any such calendar year it does not expend such amount for such purposes, it will deposit with the Trustee, cash to the extent that such amount has not been so expended, less any credits for excess expenditures for such purposes in prior years; such provision permitting that any cash deposited with the Trustee pursuant to such provision may be withdrawn

¹ 1 F. R. 750.

to the extent of any excess of expenditures for such purposes during any subsequent calendar year, or to the extent of the cost or fair value, whichever is less, of unfunded property additions certified to the Trustee for such purpose or may be applied to the purchase or redemption of bonds; such provision providing that property additions certified or bonds cancelled for the purposes of this section may not thereafter be made the basis for the authentication of bonds, the withdrawal of cash, or the release of property; and

(2) Unless declarant agrees in its Debenture Agreement that so long as any Serial Debenture Series A remain outstanding, the Company will not declare or pay any cash dividend on any shares of any class of the capital stock of the Company, except out of surplus earned subsequent to July 1, 1936; that so long as any Serial Debentures Series A remain outstanding, the Company will not declare or pay, out of earned surplus accruing subsequent to July 1, 1936, any cash dividend on any shares of any class of its capital stock, unless in determining the amount of such earned surplus accruing subsequent to July 1, 1936, amounts had

been (a) expended for maintenance or (b) credited to a reserve or reserves for depreciation or retirements of property, and charged against earnings, in each calendar year (considering the last six months of 1936 as a calendar year for this purpose), aggregating not less than fifteen per centum (15%) of the gross operating revenues of the Company for such calendar year; and

(3) If the Debenture Agreement permits the issue of additional debentures under said Agreement.

It is further ordered, that, promptly upon the issuance and sale of the aforesaid securities, declarant shall file with the Commission copies of such securities, of the executed bond indenture and of the executed debenture agreement, and shall notify the Commission that the terms and conditions under which such securities were issued and sold by the declarant have not failed in any respect to comply with this order.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1293—Filed, July 15, 1936; 12:36 p. m.]